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7 **UNITED STATES DISTRICT COURT FOR THE**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 L.M. and through his Guardian Ad Litem  
10 MONICA MARIN , et al.

11 *Plaintiffs,*

12 vs.

13 ALVORD UNIFIED SCHOOL DISTRICT  
14 et al., *Defendants.*

**Case No. 5:17-CV-01016 KK**

**[Hon. Magistrate Kenly Kiya Kato]**

**UNOPPOSED PETITION FOR**  
**APPROVAL OF MINORS'**  
**COMPROMISE OF CLAIMS**

15 **I. Basis for Petition :**

16 The parties have agreed to settle the instant matter.

17 The present claim is a personal injury case arising from an incident on May 23, 2016.

18 L.M., a minor is a Hispanic American, ten-year-old student who is currently enrolled in  
19 the 6<sup>th</sup> grade. L.M. suffers from multiple disabling conditions including Spina Bifida,  
20 Neurogenic bladder, Epilepsy, Cerebral Palsy, Orthopedic Impairments, Intellectual  
21 Disability, and severe impairments in the areas of vision and speech/language since birth.  
22 L.M. is almost entirely nonverbal, but he is able to communicate through facial gestures.  
23 L.M. is non-ambulatory, requires full leg braces for standard use, and daily urine  
24 catheterization. He suffers from recurrent urinary tract infections and is confined to a  
25 wheel chair.  
26  
27  
28

1 On May 23, 2016, L.M, returned home from school with a severely fractured left  
2 arm, with visible contusions, swelling, discoloration, and disfigurement. Monica Marin  
3 immediately notified Defendants of Luis' injury while making her way to the hospital..  
4 Photographs of the injury taken at the time by Luis and Monica depicts the left arm bone  
5 having either splint, cracked or snapped in half between his shoulder and elbow. The  
6 photographs also show the bone protruding through part of Luis' left arm, resulting in  
7 large, dark red contusions and significant swelling covering the length of his arm. It is  
8 unknown what resulted in Luis' injury other than it occurred while he was under the care  
9 of RCOE employees, whom teach and provide services to L.M. Jr. Despite Plaintiffs  
10 effort to find out the cause of L.M.' injuries, no one at the school could explain how L.M  
11 was injured.  
12  
13

## 14 **II. Procedural History**

15 On May 22, 2017 Plaintiff filed complaint for damages against the Defendants in the  
16 United District Court Case Number 17-1016-KK. On December 23, 2018 parties reached a  
17 settlement agreement of the lawsuit.  
18

## 19 **III. Basic Terms of the Settlement of the Litigation:**

20 This final settlement is in accordance with the following terms and conditions for  
21 Plaintiff to receive and Defendants to pay the sum of Forty Thousand Dollars and no  
22 /100s. (\$40,000) Said payment shall be made within 60 days within of the approval of the  
23 settlement by the governing board of the Riverside County Office of Education, Alvord  
24 Unified School District .  
25  
26

27 Under this Petition proposal, the minor Plaintiff would receive the gross amount of  
28 \$40,000 gross settlement. Plaintiffs' counsel is requesting 25% attorney's fees and costs.

1 See 28 U.S.C. § 2678 (“No attorney shall charge, demand, receive, or collect for services  
2 rendered, fees in excess of 25 per centum of any judgment rendered pursuant to section  
3 1346(b) of this title or any settlement made pursuant to section 2677 of this title[.]”).

4  
5 Should the Court accept this Petition, the child will pay 25% attorney’s fees and costs  
6 from the \$40,000.00 settlement that the minor will receive from the Defendants Riverside  
7 County Office of Education, Alvord Unified School District .  
8

9 **IV. Parties:**

10 The parties to the gross settlement are as follows:

- 11  
12 1. Plaintiff L.M. , a minor, by and through his guardian ad litem MONICA MARIN

13 **V. Current Status of the Settlement of the Litigation:**

14  
15 The Plaintiffs and Defendant have reached a settlement in this matter. The  
16 settlement is between the Plaintiff L.M. and Defendants Riverside County Office of  
17 Education, and Alvord Unified School District. Any and all remaining claims, and with  
18 regard to Defendant Riverside County Office of Education and Alvord Unified School  
19 District will be dismissed upon Court approval of the minor’s compromise.  
20

21 This settlement will be without any admission of liability by Riverside County  
22 Office of Education and Alvord Unified School District for the acts complained of, with  
23 each side bearing their own fees and costs, unless otherwise provided for herein below.  
24 All claims against the Riverside County Office of Education and Alvord Unified School  
25 District and the individually named defendants are to be dismissed as part of the  
26 settlement.  
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28





1 The minor Plaintiffs herein, Plaintiff John K.V. Doe and Plaintiff John B.M. Doe,  
2 request that the Court issue an Order whereby the net proceeds of the settlement,  
3 \$30,000.00 for minor, shall be placed in a Blocked Account until each minor reaches the  
4 age of eighteen (18) years. The blocked account belongs to minor. Plaintiff L.M. was  
5 born on October 13, 2005. No withdrawals of principal or interest may be made from the  
6 blocked account or accounts without a further written order or until the minor attains the  
7 age of 18 years. When each minor attains the age of 18 years, the depository, without  
8 further order of this court, is authorized and directed to pay by check or draft directly to  
9 the former minor, upon proper demand, all monies including interest deposited under this  
10 order. The money on deposit is not subject to the escheat.  
11

12 Within 72 hours of receipt of any check or draft, payable to the minor L.M, shall  
13 deposit the check or draft in a Blocked Account at Bank of America 929 Fair Oaks  
14 Avenue, South Pasadena, CA. 91030.  
15

## 16 VII. Conclusion

17 Plaintiffs and their counsel respectfully request that the Court approve the  
18 distribution of proceeds of settlement as set forth hereinabove, and the payment of  
19 attorneys' fees and costs, without a hearing. Plaintiffs have submitted a proposed order in  
20 this regard and respectfully request the Court's signature thereon, and filing thereof.  
21

22 Dated: March 13, 2019

23 RIOS AND ASSOCIATES

24 \_\_\_\_\_/s/\_\_\_\_\_  
25 Ralph R. Rios ,  
26 Attorneys for Plaintiff  
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